

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited liability company,)	CASE NO. 3:17-cv-05760-BHS
)	
Plaintiff,)	UNOPPOSED MOTION TO RE-NOTE
)	MOTIONS FOR SUMMARY JUDGMENT
vs.)	PENDING AS DKT. 272, DKT. 273 AND
)	DKT. 275 TO JULY 2, 2021
KEVIN SYKES-BONNETT and SYKED)		
ECU TUNING INCORPORATED, a)		<u>NOTING DATE: JUNE 15, 2021</u>
Washington corporation, and JOHN)		
MARTINSON,)	
<hr/>		
Defendants.		

Plaintiff HP TUNERS, LLC, a Nevada limited liability company (“HPT”), brings this Unopposed Motion to Re-Note Motions for Summary Judgment pending as Dkt. 272, Dkt. 273 and Dkt. 275 to July 2, 2021 and in support thereof states as follows:

1. On June 2, 2021, Plaintiff HPT filed a Motion for Partial Summary Judgment against Defendants Kevin Sykes-Bonnett, Syked ECU Tuning, Inc. and Syked Performance Engineering LLC, which is pending as Dkt. 275 and has been noted for consideration on June 25, 2021.

2. On June 2, 2021, Defendant John Martinson filed his Second Motion for Summary Judgment, which is pending as Dkt. 272 and has been noted for consideration on June 25, 2021.

3. On June 2, 2021, Defendants Kevin Sykes-Bonnett, John Martinson, Syked ECU Tuning, Inc. and Syked Performance Engineering LLC filed their Second Motion for Partial Summary Judgment, which is pending as Dkt. 273 and has been noted for consideration on June 25, 2021.

4. Andrew P. Bleiman (lead counsel for Plaintiff herein) and Mark I. Fishbein of Marks & Klein, LLP are and have been assisting with trial preparation in connection with a June 28, 2021 trial in an adversary proceeding which is pending in the United States Bankruptcy Court for the Southern District of New York (Case No. 20-11723, Adv. Pro. No. 21-01006 (MG)). The above-referenced trial was scheduled subsequent to this Court's September 17, 2020 Scheduling Order entered herein.

5. While counsel for Plaintiff is and has been diligently working to brief the pending motions for summary judgment herein, prepare for trial and attend to various other client deadlines and matters, Plaintiff is requesting a short extension of the Noting Date until July 2, 2021 in connection with these motions so that it can properly prepare and file its opposition briefs to Dkt. 272 and Dkt. 273 and its reply brief in support of Dkt. 275.

6. On June 15, 2021, Andrew P. Bleiman, lead counsel for Plaintiff, conferred with lead counsel for Defendants, Phil Mann, concerning this motion.

7. During this conference, Mr. Mann advised that Defendants have no objection and do not oppose re-noting Dkt. 272, Dkt. 273 and Dkt. 275 to July 2, 2021, subject to the Court's agreement to this request.

8. The requested extension of one week of the noting date until July 2, 2021 for Dkt. 272, 273 and Dkt. 275 is not being made for improper purposes of for purposes of delay.

9. The requested re-noting of these motions does not impact any of the other presently scheduled dates or deadlines in this matter, and this motion seeks to maintain all of the other scheduled dates in the instant case and leave all other present dates and deadlines undisturbed.

WHEREFORE, HP TUNERS, LLC, respectfully prays that this Honorable Court grant its Unopposed Motion to Re-Note Motions for Summary Judgment pending as Dkt. 272, Dkt. 273 and Dkt. 275 to July 2, 2021, and to maintain the current scheduling in this case without modification, and for such other and further relief which this Honorable Court deems necessary and appropriate.

Dated this 15th day of June, 2021

Respectfully submitted,

ATTORNEYS FOR PLAINTIFF

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APPROVED:

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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2021, I caused the foregoing to be electronically with the Clerk of Court using the **CM/ECF system** which will electronically send Notice to all Counsel of Record.

MARKS & KLEIN

s/ Andrew P. Bleiman

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